REMARKS

1. General

Claim 1 is pending in the application. The Examiner has rejected Claim 1 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,758,328 issued to **Giovannoli**.

2. Response on Rejection of Claim 1 under 35 U.S.C. §102(b).

The Examiner has rejected Claim 1 under 35 U.S.C. §102(b) as being anticipated by **Giovannoli** (U.S. Patent No. 5,758,328). Applicant has amended Claim 1 and has added new Claims 4 – 6 to clarify the distinctions between the present claimed invention and the method described in **Giovannoli**. The elements reflected in these amendments and in the arguments that follow below, point out the fundamental differences between the present invention and the method steps disclosed in the presently cited prior art (**Giovannoli**).

Giovannoli provides what may basically be described as an online catalog search engine and purchasing system. The key distinction to be aware of when comparing the **Giovannoli** methodology with the method of the present invention is that the **Giovannoli** method is vendor driven while the present invention is buyer driven. In **Giovannoli** the process of selecting a vendor (or group of vendors) to receive the request for quote (RFQ) and the process of responding with a price quote, are entirely automated, i.e. there is no human intervention (and thus no flexibility in the decision making) in the process except for two points; (1) the buyer's initial definition of the RFQ (by the buyer); and (2) the intermittent maintenance of a detailed vendor database (by the vendor). For this reason the system described in **Giovannoli** is little more than a catalog search engine. The potential buyer does not have the opportunity to review a list of selected vendors before the RFQ goes out. The selected vendors do not have the opportunity to individually review the RFQ and must instead maintain a sufficiently updated

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database to allow an automated response to the RFQ.   It is the improved flexibility, and thus the improved efficiency, that distinguish the present invention over the method disclosed in **Giovannoli.**
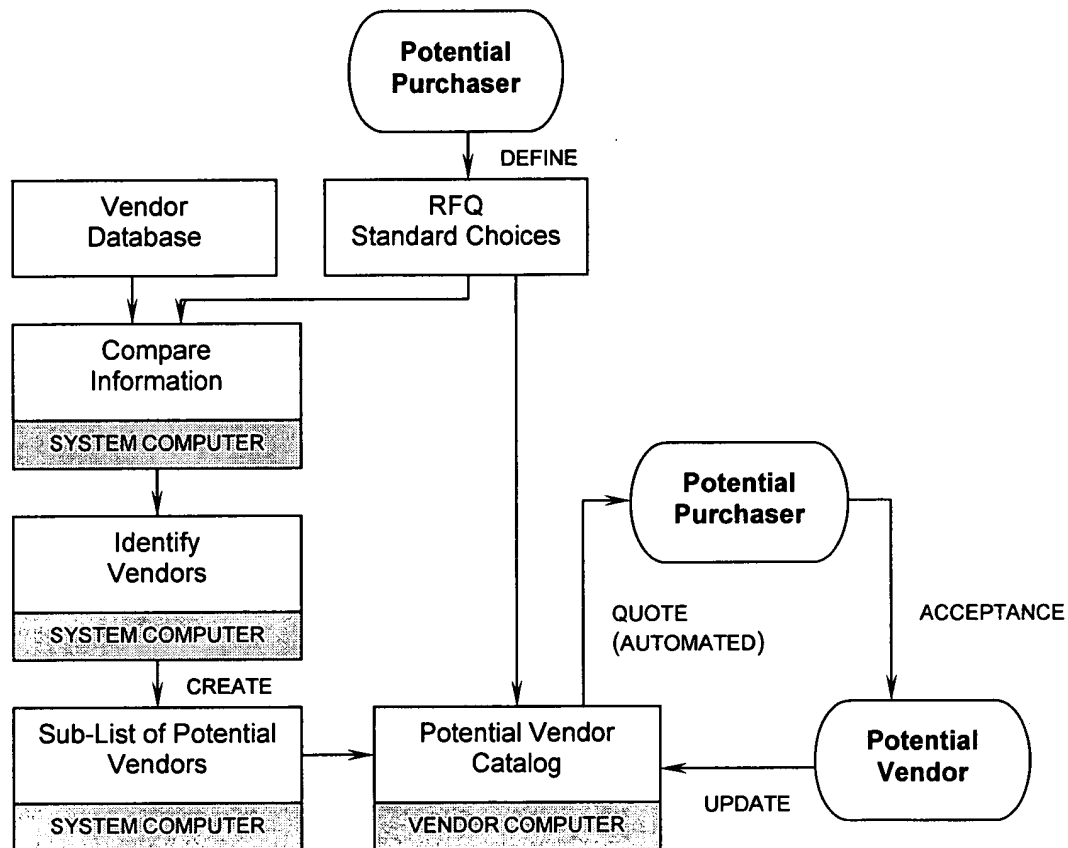
Applicant provides below a summary diagram of the elements in Claim 1 in order to facilitate an understanding of the distinctions over the methodology described in **Giovannoli.** The steps and actions claimed in the present application may be characterized as follows:
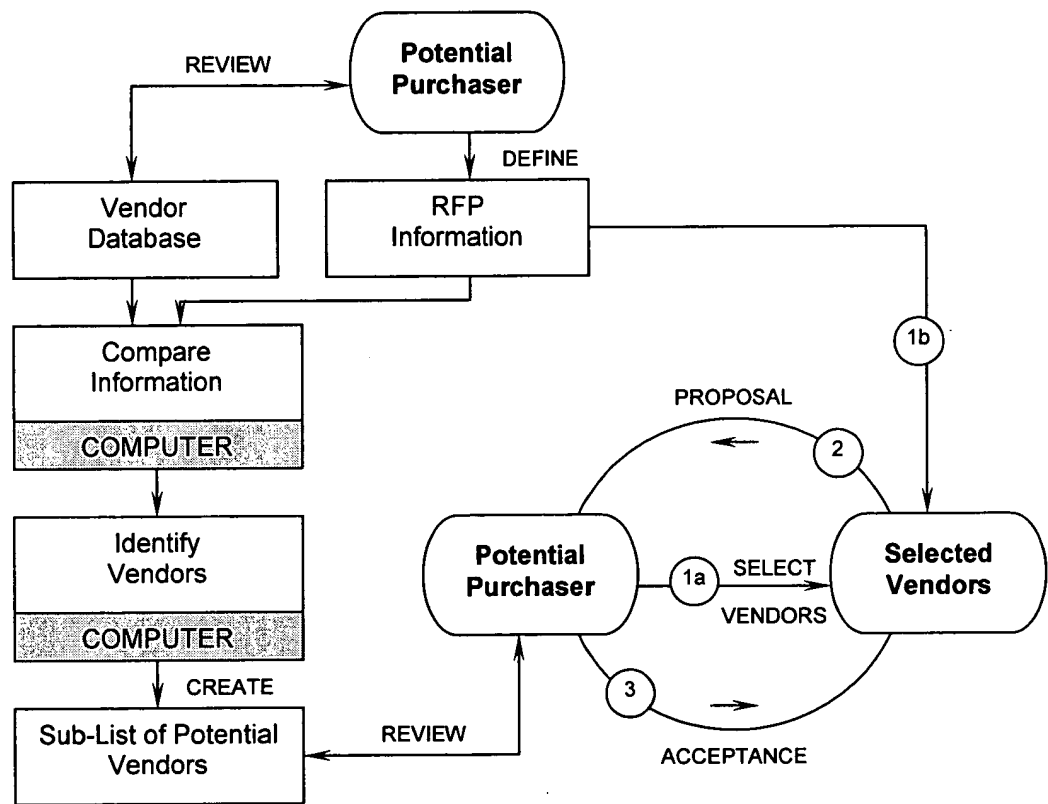
Diagram A – Claim 1 of the Present Application

Applicant would point out in particular the involvement of the individual Potential Purchaser and of the Selected Vendors in the information exchange process. Applicant would also note that the level of automation ("COMPUTER" actions), although significant, does not override the system. These features are distinct from the **Giovannoli** disclosure as discussed below.

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Giovannoli on the other hand may best be characterized as describing a system intended to be more fully automated, and thus more restrictive to the buyer (and in the end, therefore, more restrictive to the vendor) and more inefficient as a result. **Giovannoli** may be characterized as follows:

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                          ┌─────────────┐
                          │  Potential  │
                          │  Purchaser  │
                          └──────┬──────┘
                                 │ DEFINE
                                 ▼
┌───────────────┐        ┌───────────────┐
│    Vendor     │        │      RFQ      │
│   Database    │        │Standard Choices│
└───────┬───────┘        └───────┬───────┘
        │                        │
        ▼                        │
┌───────────────┐                │
│   Compare     │                │
│ Information   │                │
├───────────────┤                │
│SYSTEM COMPUTER│                │
└───────┬───────┘                │
        │                        │                  ┌─────────────┐
        ▼                        │                  │  Potential  │
┌───────────────┐                │                  │  Purchaser  │
│   Identify    │                │                  └─────────────┘
│   Vendors     │                │           QUOTE           ACCEPTANCE
├───────────────┤                │         (AUTOMATED)
│SYSTEM COMPUTER│                │
└───────┬───────┘                │
        │ CREATE                 ▼
        ▼                 ┌───────────────┐        ┌─────────────┐
┌───────────────┐         │Potential Vendor│       │  Potential  │
│Sub-List of Potential│──▶│   Catalog     │◀──────│   Vendor    │
│    Vendors    │         ├───────────────┤ UPDATE └─────────────┘
├───────────────┤         │VENDOR COMPUTER│
│SYSTEM COMPUTER│         └───────────────┘
└───────────────┘
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Diagram B - Giovannoli Methodology Summary

As indicated, the process in **Giovannoli** excludes intermediate interaction by both the Purchaser and the Vendor and is directed instead to a fully automated system with necessarily limited input parameters. Only the initial definition of the RFQ (which itself is a severely limited sequence of selections that the potential purchaser makes), the intermittent maintenance of the Vendor Catalog (by the Vendor), and the final acceptance of the price quote by the purchaser, involve non-automated input.

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The Examiner has attempted to identify within **Giovannoli** each of the steps set forth in Claim 1 of the present application. Applicant respectfully controverts the Examiner's view of a number of the method steps in **Giovannoli** and their alignment with the claimed steps in the present application. Specifically the elements (method steps) discussed by the Examiner are as follows (with the Applicant's arguments in response thereto identified with each step):

Claim 1 Step (a) – "providing a database of vendor information..."

The Examiner points to **Giovannoli** column 4, lines 40-45 for this function. Applicant agrees that this step may be fairly characterized in **Giovannoli**. However, it is worth noting that the step of providing this database in the present invention includes giving the potential buyer access to the database prior to the formulation of the request for proposal (RFP). This and other active steps that the buyer participates in provide some of the underlying basis for distinguishing the present invention from that disclosed and taught by **Giovannoli**.

Claim 1 Step (b) – "providing a request for proposal (RFP) template..."

The Examiner points to **Giovannoli** at the Abstract and Figures 1 & 4 for this function. Applicant disagrees that this step may be fairly characterized in **Giovannoli**. Initially the distinction may be described as the difference between the way the buyer prepares the request for proposal (RFP) in the present invention, and the way the request for quotation (RFQ) is prepared in **Giovannoli**. In **Giovannoli** there are strict limitations on this process. The buyer is limited to a series of choices, first by selecting a product type and then by selecting a specific item or category of items. (See steps 2 and 3 in Fig. 2A). In the present claimed invention, the buyer is given the opportunity to prescribe an open ended RFP based on very specific or very broad requirements. In addition, the buyer in the present case is given the opportunity to integrate the information he or she learns from a review of the Vendor Database into the formulation of an RFP. None of these activities are available to the buyer in the **Giovannoli** system.

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Claim 1 Step (c) – "receiving said RFP information..."

The Examiner points to **Giovannoli** at the Abstract and Figures 1 & 4 for this function. Applicant agrees that, other than the distinction discussed above, this step may be fairly characterized in **Giovannoli**.

Claim 1 Step (d) – "comparing...RFP information with...vendor database..."

The Examiner points to **Giovannoli** Claim 4 and Figure 6 for this function. Applicant agrees that this step may be fairly characterized in **Giovannoli** but would point to the distinctive element found in amended Claim 1 of the present application regarding the ability of the buyer to review the vendor database so as to potentially have a role in the choice or definition of the vendors selected to receive the RFP. In addition, the opportunity of the buyer to review the vendor database in advance of completing the RFP template allows the buyer to structure the template to include or exclude individual vendors or groups of vendors.

Claim 1 Step (e) – "identifying vendors...offering goods and services..."

In conjunction with Step (d) above, the Examiner again points to **Giovannoli** Claim 4 and Figure 6 for this function. Applicant agrees that this step may be fairly characterized in **Giovannoli** but again recalls the input that the buyer had at the outset of the process in the initial review of the vendor database.

Claim 1 Step (f) – "generating a sub-list...for review by...[the] purchaser..."

The Examiner **has not identified** a similar disclosure in **Giovannoli** that relates to this important step as claimed in Claim 1 of the present application. Granted, the next step in **Giovannoli**, that of "broadcasting" the RFQ to a group of selected members inherently implies a list, but it is clear that this list is not generated for review by the purchaser. Instead, **Giovannoli** has long since taken control of the process out of the hands of the buyer and has restricted the selection process to the automated aspects of the "quotation system."

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Claim 1 Step (g) – "[the purchaser] selecting at least one potential vendor..."

Here again, the Examiner **has not identified** a similar disclosure in **Giovannoli** that relates to this important step as claimed in Claim 1 of the present application. **Giovannoli** allows for no involvement by the purchaser in the process until the final step of indicating actual acceptance of a price quote. In the present invention the review and final selection that is made by the purchaser is critical to an effective and efficient purchasing process. Without these steps (and without the possibility of an initial review of the vendor database by the purchaser) the purchaser is likely to be either overwhelmed by the number of respondent price quotes (or proposals in the present case) or is likely to receive price quotes for goods and services that do not truly match its needs.

Claim 1 Step (h) – "communicating...RFP information to...selected...vendors..."

The Examiner points to **Giovannoli** Abstract and Figures 1 & 4 for this function. Applicant agrees that this step may be fairly characterized in **Giovannoli** but would note that carrying out the step is driven directly by the purchaser. Because the purchaser has the opportunity to review the Sub-List of potential vendors and to select there from, there is in fact an action (a "send RFP" mouse click for example) that the purchaser takes before this step is carried out in the process. To the extent that the step in the present invention would not be carried out if it were not for the actions of the purchaser, it is distinct from the fully automated actions being carried out in **Giovannoli.**

Claim 1 Step (i) – "communicating a response from...selected...vendors..."

The Examiner points to **Giovannoli** in the Abstract for this function. Applicant disagrees that this step may be fairly characterized in **Giovannoli**. Applicant points specifically to Figure 2A in **Giovannoli** for a clear description of this step that is broadly referenced by the Examiner pointing to the Abstract. Throughout the **Giovannoli** disclosure the emphasis is on the ability of

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the vendor to utilize this system without the need for significant interaction beyond the maintenance of its own vendor database information. In Figure 2A, the last step in the flowchart diagram, it specifically states; "THIS [the vendor response to the request] IS DONE **AUTOMATICALLY** USING SOFTWARE PROVIDED BY THE QUOTATION SYSTEM TO EACH VENDOR" (emphasis added). The automated nature of this step is further reinforced by the description in the text of the **Giovannoli** disclosure at column 5, lines 43-49 wherein it states; "...the quotation system would interrogate [sic] the vendor's product database (using suitable software which links or cross references the vendor's inventory to the quotation system product and services list) and retrieve pricing and other information necessary to respond to the RFQ; and thereafter prepare e-mail to be sent to the requesting buyer member."

Applicant has amended Claim 1 and has added Claim 4 to introduce elements and clarify other elements that help clarify the distinctions between the present invention and the methodology disclosed in **Giovannoli**. The system described in **Giovannoli** has as one of its primary goals the complete automation of the buying process such that the system becomes little more than the combination of a search engine and a plurality of vendor catalogs. Experience has shown that such a system typically fails to match buyers with sellers efficiently simply because the matching process is imperfect when fully automated. The present invention finds a balance between automation and human interaction that provides a system of greater efficiency in appropriately putting together buyers and sellers of goods and services. This balance is not taught or anticipated by **Giovannoli** in part because of its focus on full or nearly full automation.

SUMMARY/CONCLUSION

Applicant now respectfully requests reconsideration of the claims and their passage to allowance. Should any further impediments to allowance remain, Applicant requests that the Examiner contact the undersigned attorney at the indicated phone number.

Respectfully submitted,

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